

United States District Court

~~NORTHERN~~ DISTRICT OF ILLINOIS
SOUTHERN

NICHOLAS ANDREWS

Plaintiff

vs.

Case No. 15-cv-15-MJR

(The case number will be assigned by the clerk)

WEXFORD HEALTH SOURCES, INC.

SHERYL LYNN

BOTH OFFICIALLY AND INDIVIDUALLY

~~XXXXXXXXXX~~

DR. ALONSO DAVID,

ET AL.,

Defendant(s)

(List the full name of ALL plaintiffs and defendants in the caption above. If you need more room, attach a separate caption page in the above format).

COMPLAINT

Indicate below the federal legal basis for your complaint, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants). However, 42 U.S.C. § 1983 and "Bivens" do not cover all prisoners' claims. Many prisoners' legal claims arise from other federal laws. Your particular claim may be based on different or additional sources of federal law. You may adapt this form to your claim or draft your own complaint.

- ☒ 42 U.S.C. §1983 (state, county or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)(federal defendants)
- ☐ Other federal law: _____
- ☐ Unknown _____

**Please refer to the instructions when filling out this complaint. Prisoners are not required to use this form or to answer all the questions on this form in order to file a complaint. This is not the form to file a habeas corpus petition.*

I. FEDERAL JURISDICTION

Jurisdiction is based on 28 U.S.C. § 1331, a civil action arising under the United States Constitution or other federal law. (You may assert a different jurisdictional basis, if appropriate).

II. PARTIES**A. Plaintiff:**

Full Name: NICHOLAS ANDREWS

Prison Identification Number: B82197

Current address: 6665 STATE RT 146 EAST
VIENNA, IL. 62995

For additional plaintiffs, provide the information in the same format as above on a separate page. If there is more than one plaintiff, each plaintiff must sign the Complaint, and each plaintiff is responsible for paying his or her own complete, separate filing fee.

B. Defendants**Defendant #1:**

Full Name: WEXFORD HEALTH SOURCES, INCORPORATED

Current Job Title: PRISON HOSPITAL EMPLOYER OF DR. ALFONSO DAVID (SHAWNEE CORR. CEN.)

Current Work Address 425 HOLIDAY DR., FOSTER PLAZA TWO,
PITTSBURGH, PA. 15220

Defendant #2:

Full Name: STERYLL LYNN (STATE EMPLOYEE)

Current Job Title: PRISON HOSPITAL ADMINISTRATOR (SHAWNEE CORR. CEN.)

Current Work Address 6665 STATE RT 146 EAST
VIENNA, IL. 62995

Defendant #3:

Full Name: ALFONSO DAVID (WEXFORD HEALTH SOURCES - EMPLOYEE)

Current Job Title: Prison Hospital Doctor (Shawnee Corr. Cen.)
Current Work Address 6665 STATE RT 146 EAST
VIENNA, IL. 62995

Defendant #4:

Full Name: _____
Current Job Title: _____
Current Work Address _____

Defendant #5:

Full Name: _____
Current Job Title: _____
Current Work Address _____

For additional defendants, provide the information in the same format as above on a separate page.

III. LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or appeal in forma pauperis in federal court if that prisoner has "on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

A. Have you brought any other lawsuits in state or federal court dealing with the same facts involved

in this case? Yes ☐ No ☒

If yes, please describe N/A

B. Have you brought any other lawsuits in federal court while incarcerated?

Yes ☐ No ☒

C. If your answer to B is yes, how many? 0 Describe the lawsuit(s) below.

1. Name of Case, Court and Docket Number

N/A

2. Basic claim made

N/A

3. Disposition (That is, how did the case end? Was the case dismissed? Was it appealed? Is it still pending?)

N/A

For additional cases, provide the above information in the same format on a separate page.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Prisoners must exhaust available administrative remedies before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). You are not required to allege or prove exhaustion of administrative remedies in the complaint. However, your case must be dismissed if the defendants show that you have not exhausted your administrative remedies, or if lack of exhaustion is clear from the complaint and its attachments. You may attach copies of materials relating to exhaustion, such as grievances, appeals, and official responses. These materials are not required to file a complaint, but they may assist the court in understanding your claim.

A. Is there a grievance procedure available at your institution? Yes ☒ No ☐

B. Have you filed a grievance concerning the facts relating to this complaint?

Yes ☒ No ☐

If your answer is no, explain why not

N/A

C. Is the grievance process completed? Yes ☒ No ☐

V. STATEMENT OF CLAIM

Place(s) of the occurrence SHAWNEE CORRECTIONAL CENTERDate(s) of the occurrence JAN. 29, 2011 TO PRESENT

State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.

THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.

- (1.) ON August 19, 2009, THE PLAINTIFF, NICHOLAS ANDREWS UNDERWENT AN OPERATION (LAPAROSCOPIC RIGHT INGUINAL HERNIA REPAIR, TEP WITH LARGE 3-D MAX MESH AND VENTRAL HERNIA REPAIR ANATOMICAL) AT ST. MARY'S GOOD SAMARITAN HOSPITAL, 400 N. PLEASANT, CENTRALIA, ILLINOIS, UNDER SURGEON-DR. RAVI GEORGE, M.D. WITH DR. JULIA BANCROFT AS HIS PRIMARY PHYSICIAN.
- (2.) AFTER HIS SURGERY, THAT SAME DAY, HE WAS DISCHARGED TO GO HOME WITH POSTOPERATIVE INSTRUCTIONS.
- (3.) THAT IN THE FALL OF 2010 THE SURGICALLY IMPLANTED 3-D MAX MESH WAS FOUND TO BE DEFECTIVE AND WAS RE-CALLED.
- (4.) THAT HE WAS SCHEDULED TO HAVE EMERGENCY SURGERY ON FEB. 3, 2011, BY HIS SURGEON DR. GEORGE, TO REMOVE AND OR REPLACE THE 3-D MAX MESH, BUT BEFORE HE COULD HAVE THE EMERGENCY SURGERY PERFORMED HE WAS INCARCERATED ON OR ABOUT JAN. 29, 2011, AT MENARD CORRECTIONAL CENTER, WHERE HE CONTINUED TO EXPERIENCE SEVERE PAIN PARTICULARLY IN THE REGION HE HAD HIS SURGERY.
- (5.) THAT HE PUT PRISON OFFICIALS AT MENARD COLL. CEN. ON NOTICE, THROUGH INFORMAL NOTES, LETTERS AND BY EXHAUSTING THE GRIEVANCE PROCEDURES, OF HIS SERIOUS MEDICAL EMERGENCY, HIS SEVERE PAIN, THAT HE NEEDED EMERGENCY CORRECTIVE SURGERY AND THAT HE WAS ALREADY SCHEDULED TO HAVE —

— THE SURGERY ON FEB. 3, 2011, BY HIS SPECIALIST, DR. GEORGE.

(6.) REGARDLESS THAT PRISON OFFICIALS AT MENARD CORR. CEN. WERE AWARE OF A SUBSTANTIAL RISK OF FURTHER SERIOUS HARM TO PLAINTIFF, THEY FAILED REPEATEDLY FROM ON OR ABOUT JAN. 29, 2011 - JUNE 6, 2012, TO PROVIDE COMPETENT MEDICAL CARE AND TREATMENT FOR THE PLAINTIFF BY ONLY ADMINISTERING HIM TYLENOL, IBUPROFEN AND INSTRUCTING HIM TO LIE DOWN AND PUSH HIS STOMACH IN WITH HIS HANDS, THEREBY TREATING HIS SERIOUS MEDICAL EMERGENCY WITH RECKLESS DISREGARD AND NEGLIGENCE TOWARDS HIS RIGHTS.

(7.) ON OR ABOUT JUNE 6, 2012, PLAINTIFF WAS TRANSFERRED TO SHAWNEE CORRECTIONAL CENTER, A FACILITY WITH "EXTREMELY HARSH" CONDITIONS, WHERE HE ALSO PUT PRISON OFFICIALS ON NOTICE OF HIS SERIOUS MEDICAL NEEDS AND SEVERE PAIN BY INFORMAL LETTERS, NOTES AND EXHAUSTING THE GRIEVANCE PROCEDURES.

(8.) HE COMMUNICATED THE ORDERS FROM DR. GEORGE, HIS SURGICAL SPECIALIST, AND COMPLAINED OF HOW SEVERE HIS POSTOPERATIVE PAIN STILL WAS AND HOW THE SOY MEAT THE PRISON FED "SWELLED HIS STOMACH UP" COMPOUNDING THE PAIN.

(9.) THAT PRISON OFFICIALS AT SHAWNEE CORR. CEN., DR. ALFONSO DAVID AND ADMINISTRATOR SHEYLL LYNN, HAVE KNOWINGLY, WILLFULLY AND INTENTIONALLY CONTINUED WITH IMPROPERLY AND UNREASONABLY DELAYING PLAINTIFF'S PRESCRIBED MEDICAL TREATMENT REGARDLESS THAT THEIR ACTIONS HAVE CAUSED HIM PAIN, MENTAL ANGUISH AND DISCOMFORT.

(10.) DEFENDANTS, WHO HAVE ONLY GENERAL KNOWLEDGE OF MEDICINE, HAVE SUBSTITUTED THEIR JUDGEMENT FOR THAT OF A SPECIALIST BY IGNORING HIS ADVICE AND INSTRUCTIONS, REGARDING TREATMENT OF PLAINTIFF'S "OBVIOUS" MEDICAL EMERGENCY, REGARDLESS THAT IT'S LESS EFFECTIVE, BECAUSE IT'S AN "EASIER AND CHEAPER" COURSE OF TREATMENT.

(11.) THAT WEXFORD HEALTH SOURCES, LLC., AS THE EMPLOYER OF DR. ALFONSO DAVID, BEARS RESPONSIBILITY FOR ENSURING THAT PRISON INMATES RECEIVE ADEQUATE —

— MEDICAL CARE IN THAT THEY HAVE KNOWLEDGE OF SIMILAR MISCONDUCT FROM ITS EMPLOYEE'S IN THE FORM OF NUMEROUS COMPLAINTS; WHERE THEY'RE LIABLE FOR FAILURE TO TRAIN THEIR EMPLOYEE'S WHEN THAT FAILURE SHOWS AN INTENTIONAL AND DELIBERATE INDIFFERENCE TO PRISONERS RIGHTS AND IN LIGHT OF THE MANY DUTIES A DOCTOR OR OTHER HOSPITAL EMPLOYEE MAY COME ACROSS IN A PRISON ENVIRONMENT, THE NEED FOR MORE OR DIFFERENT TRAINING IS OBVIOUS AND THE INADEQUACY LIKELY TO RESULT IN A DEPRIVATION OF PRISONERS RIGHTS, THAT AS THE EMPLOYER, WHO MAKES THE POLICIES, THEY (WEXFORD) CAN REASONABLY BE SAID TO HAVE ALSO BEEN DELIBERATELY INDIFFERENT TO PLAINTIFFS SERIOUS MEDICAL NEEDS.

(12.) THAT THE DEFENDANTS HAVE DONE NOTHING MORE THAN "DULY NOTED" PLAINTIFFS SERIOUS MEDICAL PROBLEMS.


(13.) MALICE IS THE GIST OF THIS ACTION.

RELIEF REQUESTED

(State what relief you want from the court.)

WHEREFORE Plaintiff prays THE HONORABLE COURT will DECIDE in HIS FAVOR AND AGAINST THE DEFENDANTS AND AWARD HIM COMPENSATORY DAMAGES IN THE AMOUNT OF \$2,000,000 (Two million-Dollars) for the pain AND MENTAL ANGUISH HE'S SUFFERED AT THE HANDS OF THE DEFENDANTS. IN ADDITION HERETO, PLAINTIFF ASKS for \$1,000,000 (ONE-million Dollars) in PUNITIVE DAMAGES TO DETER THE DEFENDANTS FROM ENGAGING in THIS TYPE OF CONDUCT in THE FUTURE AND FOR OTHER SUCH ADDITIONAL, ANY AND ALL RELIEF THIS COURT DEEMS fair, JUST AND REASONABLE in THE PREMISES.

JURY DEMAND

Yes ☒No ☐Signed this 1 day of JANUARY, 20 15.

 (Signature of Plaintiff)

Name of Plaintiff:	Inmate Identification Number:
NICHOLAS ANDREWS	B82197
Address: 6065 STATE RT 146 EAST VIENNA, IL. 62995	Telephone Number: NONE 618 218 3473